

1 *E-Filed 1/21/11*

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN FRANCISCO DIVISION6
7 GREGORY WELLS,

No. C 10-5695 RS (PR)

8 Petitioner,

ORDER OF DISMISSAL

9 v.

10 U. S. DISTRICT COURT,

11 Respondent.
12 _____ /13 This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28
14 U.S.C. § 2254. Petitioner was granted 30 days to (1) file a complete application to proceed
15 *in forma pauperis* (“IFP”), or (2) pay the filing fee of \$5.00. Petitioner was informed that if
16 he failed to do either within those 30 days, his action would be dismissed. More than 30
17 days have passed and petitioner has not paid the filing fee, nor has he filed an IFP
18 application. Accordingly, the action is DISMISSED without prejudice to petitioner filing an
19 IFP application, or paying the filing fee.20 A certificate of appealability will not issue. Petitioner has not shown “that jurists of
21 reason would find it debatable whether the petition states a valid claim of the denial of a
22 constitutional right and that jurists of reason would find it debatable whether the district court
23 was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The
24 Clerk shall enter judgment in favor of respondent, and close the file.25 **IT IS SO ORDERED.**

26 DATED: January 21, 2011

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RICHARD SEEBOORG
United States District Judge